

REMARKS

Claims 1-5 and 7-9 are pending. Claim 6 has been canceled. No new matter has been presented.

Claims 6 is rejected under 35 USC 112, first paragraph, as failing to comply with the written description requirement. This rejection is moot in view of the foregoing amendments. Applicants request that this rejection be withdrawn.

Claims 1-5 and 7-9 are rejected under 35 USC 103(a) as being unpatentable over Hatakoshi, U.S. Patent No. 6,031,858 in view of Narui, U.S. Patent No. 6,468,820 and further in view of Fukunaga, U.S. Patent No. 6,516,016. This rejection is respectfully traversed.

Claim 1 recites “the light confinement layer is sufficiently thin such that it does not function as a current constriction layer.”

The Examiner asserts that Hatakoshi teaches a semiconductor laser device having a light confinement layer which is sufficiently thin such that it does not function as a current blocking layer “alone.” Applicants respectfully disagree.

Hatakoshi does not specifically set forth that the light confinement layer does not function as a current constriction layer. Furthermore, the Examiner has failed to point to any specific disclosure in Hatakoshi which refers to the thickness of the light confinement layer or the fact that the light confinement layer does not function as a currently blocking layer. In fact, Hatakoshi fails to teach or suggest that the line confinement layer is sufficiently thin such that it does not function as a current constriction layer.

The remaining claims are allowable at least due to their respective dependencies. Applicants request that this rejection be withdrawn.

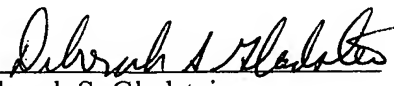
Claims 1-2 and 8 are rejected under 35 USC 103(a) as being unpatentable over Fukunaga in view of Narui. This rejection is respectfully traversed.

Claim 1 recites "a light confinement layer, which is provided in a region other than an upper surface of the ridge portion of each of the second cladding layers and has a refractive index different from that of the second cladding layers." It is clear from this recitation that the light confinement layer is on each of the second cladding layers, except for the portion on the upper surface of the ridge portion. The light confinement layer 235 of Fukunaga is not on the second cladding layer, it is beneath it. Further, it is not possible for the light confinement layer 235 of Fukunaga to be on even a portion of the ridge portion because it is beneath the ridge portion. Thus, the light confinement layer of Fukunaga does not correspond to the claimed light confinement layer and Fukunaga fails to teach or suggest the features of claim 1. Narui fails to overcome the deficiencies of Fukunaga. Thus, claim 1, and the claims which depend from claim 1, are not taught or suggested by Fukunaga, Narui or a combination thereof. Applicants request that this rejection be withdrawn.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 204552030700.

Dated: August 7, 2006

Respectfully submitted,

By 
Deborah S. Gladstein

Registration No.: 43,636
MORRISON & FOERSTER LLP
1650 Tysons Blvd, Suite 300
McLean, Virginia 22102
(703) 760-7753